

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:04CR302</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>JOZABET CASTRO-GARZON,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Defendant's successive motion under 28 U.S.C. § 2255 (Filing No. 269).

Rule 9 of the Rules Governing Section 2255 Proceedings provides: "Before presenting a second or successive motion, the moving party must obtain an order from the appropriate court of appeals authorizing the district court to consider the motion, as required by 28 U.S.C. § 2255, para. 8." The Defendant's successive § 2255 motion is denied for lack of an order from the Eighth Circuit allowing this Court to consider the motion.

**IT IS ORDERED:**

1. The Defendant's successive motion under 28 U.S.C. § 2255 (Filing No. 269) is denied; and
2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 7<sup>th</sup> day of May, 2012.

**BY THE COURT:**

s/Laurie Smith Camp  
Chief United States District Judge